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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,058

Applicant(s)

YATES, JOHN

Examiner

Andre' L. Jackson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1-4 are objected to because of the following informalities:

Claims 1, 2 and 4 recite the limitation "the safety belt" in lines 22 and 23 respectively.

There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 2,129,872 to Reiter. Reiter discloses a slide buckle comprising;

a first horizontal member (18) having first and second ends; a second horizontal member (19) having third and fourth ends; a first vertical member (11) having a top surface and a bottom surface extending between the first and third ends; a second vertical member (12) having a top surface and a bottom surface extending between the second and fourth ends; a first ear (16) extending away from the junction between the second horizontal member and the first vertical member; and a second ear (16) extending away from the junction between the second horizontal member and the second vertical member; and a third horizontal member (13) having a first substantially c-shaped end (14) and a second substantially c-shaped end (15);

Art Unit: 3677

wherein the first substantially c-shaped end engages the first vertical member around both the top and bottom surfaces; wherein the second substantially c-shaped end engages the second vertical member around both the top and bottom surfaces; wherein the third horizontal member is free to slide between the first and second horizontal members while engaging the first and second vertical members around both the top and bottom surfaces; and wherein the ears prevent the third horizontal member from sliding past the ears; and wherein movement of a belt is prevented by a clamping connection formed by the adjacency of the third horizontal member to the first horizontal member when the third horizontal member is slid toward the first horizontal member, and by the adjacency of the third horizontal member to the second horizontal member when the third horizontal member is slid toward the second horizontal member.

As to claims 2 and 3, the slide buckle can be rotated at least 45 degrees or 90 degrees from a first position to a second position similar to applicant's invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiter in view of applicant's admitted prior art figure 2. Reiter discloses all of the structural limitations of claim 4 except a first strap enclosed around the first horizontal member and a second strap enclosed around the third horizontal member.

Art Unit: 3677

As seen in Figs. 1-3, Reiter shows a strap (30) passing through the opening defined in the second horizontal member as claimed. Applicant's admitted prior art figure 2 shows a cross-sectional view of a web adjusting buckle member (10) defining a first (12), a second (16) and a third (14) horizontal member.

Each of the first and third horizontal members are enclosed by a respective strap webbing section (26, 28) of a safety belt system which is adjustable such that a combined length of the respective strap webbings can be changed in order to fit the safety belt system snugly against users of differing sizes. Therefore, it would be obvious to one having ordinary skill in the art at the time of applicant's invention to modify the slide buckle of Reiter to incorporate the safety belt system as taught by the admitted prior art to provide an enhanced slide buckle useable within a vehicle safety restraint system which is made adjustable such that a combined length of the respective strap webbings can be changed in order to fit the safety belt system snugly against users of differing sizes.

Response to Applicant's Arguments

Applicant's arguments filed in the Amendment on January 27, 2006 have been fully considered but they are not persuasive. In applicant's remarks on pages 7-9 and amendment to the claims, applicant sets out to further distinguish the prior art of record from applicant's invention by amending the claims to further insert a product by process clause relative to claims 1-4. However, it has been held that a comparison between the recited processes of applicant's invention with the prior art processes does not serve to resolve the issue concerning patentability of the product. *In re Fessman*, 489 F2d 742, 180 USPQ 324 (CCPA 1974).

Art Unit: 3677

Further, whether a product is patentable depends on whether it is known in the art or it is obvious, and is not governed by whether the process by which it is made is patentable. *In re Klug*, 333 F2d 905, 142 USPQ 161 (CCPA 1964).

Therefore, since Reiter and Reiter used in combination with applicant's admitted prior art figure(s) include all of the structural limitations of the product claimed, patentability of the product is rendered unpatentable over the prior art made of record.

Further, even if the Examiner takes into consideration the specific product-by-process claims of applicant's invention, Reiter includes a third horizontal member or sliding member 13 that may discourage or prevent movement of a safety belt by a clamping connection (edge 32 of the first horizontal member and engaging prongs 26, 27 of the third horizontal member) formed by the adjacency of the third horizontal member to the first horizontal member when the third horizontal member is slid toward the first horizontal member, and by the adjacency of the third horizontal member to the second horizontal member (clamping connection of edge 31 of the second horizontal member and engaging prongs 28, 29 of the third horizontal member) when the third horizontal member is slid toward the second horizontal member (see column 3, lines 8-20).

Therefore, for the above reasoning and explanation, Reiter and Reiter in view of applicant's admitted prior art figure(s) meet the limitations of applicant's claims, thus claims 1-4 are unpatentable over the prior art made of record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (9:30 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
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AU 3677

ALJ


Katherine Mitchell
Primary Examiner